



Express Mail No. EV719390474US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Edward A. Neuwelt et al.
Application No. : 10/698,955
Filed : October 31, 2003
For : USE OF THIOL-BASED COMPOSITIONS IN TREATING
CHEMOTHERAPEUTIC AGENT-INDUCED
THROMBOCYTOPENIA

Examiner : Frank I. Choi
Art Unit : 1616
Docket No. : 720109.404
Date : May 22, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF EDWARD A. NEUWELT UNDER 37 C.F.R. § 1.132

I, Edward A. Neuwelt, do hereby declare that:

1. I am one of the named joint inventors of the subject matter disclosed and claimed in the above-identified patent application.
2. Leslie L. Muldoon is another one of the named joint inventors of the subject matter disclosed and claimed in the above-identified patent application.
3. I have reviewed the Office Action, dated December 21, 2005, in the above-identified patent application, including the rejection of Claims 1-5, 7, 14-22, 29 under 35 U.S.C. § 102(a) in light of the following publication:
 - a) Neuwelt, E.A., et al., "Therapeutic Efficacy of Aortic Administration of *N*-Acetylcysteine as a Chemoprotectant against Bone Marrow Toxicity After Intracarotid Administration of Alkylators, with or without Glutathione Depletion in a Rat Model," *Cancer Research* 61: 7868-7874, Nov. 1, 2001.

4. I have also reviewed the Office Action, dated December 21, 2005, in the above identified patent application, including the rejection of Claims 1-29 under 35 U.S.C. § 103(a) in light of the following publications:

- b) Neuwelt, E.A., et al., "Therapeutic Efficacy of Aortic Administration of *N*-Acetylcysteine as a Chemoprotectant against Bone Marrow Toxicity After Intracarotid Administration of Alkylators, with or without Glutathione Depletion in a Rat Model," *Cancer Research* 61: 7867-7874, Nov. 1, 2001.
- c) Doolittle, N., et al., "Potential Role of Delayed Sodium Thiosulfate as Protectant Against Severe Carboplatin-Induced Thrombocytopenia in Patients with Malignant Brain Tumors," *Blood*, Abstract. Vol. 98, No. 11, Nov. 16, 2001.

5. This Declaration is being submitted under the requirements of 37 C.F.R. § 1.132 for the purpose of providing evidence to the Examiner that the above-identified publications are not the work of another.

6. I am one of the named authors in both of the above-identified publications.

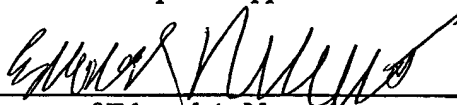
7. Leslie L. Muldoon is also one of the named authors in the above-identified Neuwelt, E.A., et al. publication.

8. The remaining co-authors in the above-identified publications were working under the direction and supervision of one or more of the named joint inventors in the above-identified patent application.

9. Leslie L. Muldoon and I are the only inventors of the information that was disclosed in the above-identified publications and subsequently claimed in the above-identified patent application.

Application No. 10/081,700
Declaration under 37 C.F.R. § 1.132

I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application and/or any patent issuing therefrom.

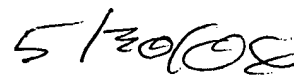


Signature of Edward A. Neuwert



Date of Signature





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DECLARATION OF LESLIE L. MULDOON UNDER 37 C.F.R. § 1.132

I, Leslie L. Muldoon, do hereby declare that:

1. I am one of the named joint inventors of the subject matter disclosed and claimed in the above-identified patent application.

2. Edward A. Neuwelt is another one of the named joint inventors of the subject matter disclosed and claimed in the above-identified patent application.

3. I have reviewed the Office Action, dated December 21, 2005, in the above-identified patent application, including the rejection of Claims 1-5, 7, 14-22, 29 under 35 U.S.C. § 102(a) in light of the following publication:

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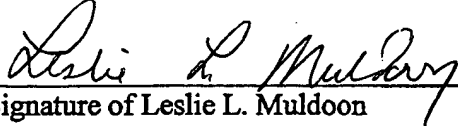
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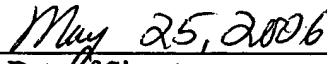
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Signature of Leslie L. Muldoon



Date of Signature

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